

Holland & Knight

31 West 52nd Street | New York, NY 10019 | T 212.513.3200 | F 212.385.9010
Holland & Knight LLP | www.hklaw.com

Michael J. Frevola
(212) 513-3516
michael.frevola@hklaw.com

December 19, 2013

BY ECF FILING

Hon. P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Commodities & Minerals Enterprise Ltd. v. Gretchen Shipping Inc. et al.
Dkt. # 13-cv-6548 (PKC)(GWG)
Our File: 136961.00001

Honorable Sir:

We refer to the *ex parte* application filed this afternoon by Defendant Gretchen Shipping Inc. ("Gretchen") pursuant to CPLR 6201 and 7502 seeking attachment of over \$18 million of the assets of Plaintiff Commodities & Minerals Enterprise Ltd. ("CME").

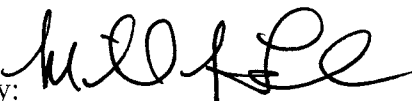
As Gretchen did not provide them to the Court when filing its application, we have enclosed with this letter CME's opposition papers that were filed in the state court proceeding mentioned by Gretchen's counsel in his supporting declaration at paragraph 10. We intend to deliver a courtesy copy to the Court tomorrow morning before the hearing.

On the instructions of Justice Charles E. Ramos of the Supreme Court of the State of New York, County of New York, Commercial Division, the undersigned informs Your Honor that Justice Ramos stated the following to the undersigned: "[t]ell Judge Castel that I threw [Gretchen] out of my courtroom." Justice Ramos preceded that comment by categorizing Gretchen's application as "frivolous" and that Gretchen was "judge-shopping." He then directed CME to file an attorneys' fees and costs application against Gretchen as a result of its filing. As such, we respectfully disagree with Gretchen's counsel's statement that "Justice Ramos did not reach the merits of the application" contained in the last sentence in paragraph 10 of his declaration.

We welcome the opportunity to answer any questions the Court may have tomorrow.

Respectfully Submitted,

HOLLAND & KNIGHT LLP

By: 

Michael J. Frevola

MJF:pb